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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,310	07/03/2001	Teng Pin Poo	1601457-0008	2223

7590 10/30/2006

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EXAMINER	
GELAGAY, SHEWAYE	
ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/898,310	POO ET AL.	
	Examiner	Art Unit	
	Shewaye Gelagay	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/24/06,12/27/05,4/4/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25, 2006 has been entered.

2. Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 4-5, 7-8, 11-12, 14-15, 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,748,541 in view of Kang et al. (hereinafter Kang) United States Publication Number 2001/0052541.

As per claims 1, 11 and 17:

Margailt teach a unitary portable biometric-based access control device which can be directly plugged into a universal serial bus (USB) socket communicatively coupled to a restricted resource, the device comprising:

housing; (figure 1, item 200)

a microprocessor housed within the housing; (col. 3, lines 29-31)

a memory coupled to the microprocessor and capable of storing user data; (col. 3, lines 29-41)

a USB plug integrated into the housing without an intervening cable and capable of coupling the unitary portable access control device directly to the USB socket; (figure 1, item 130; col. 3, lines 27-29) and

a biometrics-based authentication module coupled to and controlled by the microprocessor, at least a portion of the biometrics-based authentication module being housed within the housing, wherein said biometrics-based authentication module is configured to grant access to the restricted resource provided that the biometrics-based authentication module authenticates the user's identity and wherein access to the restricted resource is denied to the user otherwise; (col. 3, lines 47-52; col. 7, line 60- col. 8, line 6) and further wherein

Abbott does not explicitly disclosed a non-volatile memory and a biometrics-based authentication module is configured to grant access the user data stored in the non-volatile memory provided that the biometrics-based authentication module authenticates the user's identity and wherein access to the user data stored in the non-volatile memory is denied to the user otherwise. Kang in analogous art, however, teaches a non-volatile memory and a biometrics-based authentication module is configured to grant access the user data stored in the

non-volatile memory provided that the biometrics-based authentication module authenticates the user's identity and wherein access to the user data stored in the non-volatile memory is denied to the user otherwise. (page 2, paragraph 21 and 31; page 3, paragraph 37) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Abbott with Kang in order to provide a portable device that is capable of storing user's sensitive information as well as providing increased security by implementing biometric authentication in case the device is lost or stolen.

As per claims 2, 12 and 18:

The combination of Abbott and Kang teaches all the subject matter as discussed above. In addition, Abbott further discloses the biometrics-based authentication module is a fingerprint authentication module. (col. 3, lines 46-48)

As per claims 4 and 14:

The combination of Abbott and Kang teaches all the subject matter as discussed above. In addition, Abbott further discloses the biometrics-based authentication module comprises a biometrics sensor fitted on one surface of the housing. (figure 2A, item 250)

As per claims 5 and 15:

The combination of Abbott and Kang teaches all the subject matter as discussed above. In addition, Kang further discloses a non-volatile memory capable of storing biometrics information usable for authentication. (page 2, paragraph 21 and 31; page 3, paragraph 37)

As per claim 7:

The combination of Abbott and Kang teaches all the subject matter as discussed above. In addition, Abbott further discloses the restricted resource comprises a host computer. (figure 1,

item 102)

As per claim 8:

The combination of Abbott and Kang teaches all the subject matter as discussed above. In addition, Abbott further discloses the restricted resource comprises a communication network. (col. 3, lines 41-43)

As per claim 20:

The combination of Abbott and Kang teaches all the subject matter as discussed above. In addition, Abbott further discloses the step of denying the user access to the restricted resource provided that a match is not identified in said step (d). (col. 3, lines 47-52; col. 7, line 60- col. 8, line 6)

5. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,748,541 in view of Kang et al. (hereinafter Kang) United States Publication Number 2001/0052541 and further in view of Foster United States Publication number 2002/0145507.

As per claims 3 and 13:

The combination of Abbott and Kang teaches all the subject matter as discussed above. Both references do not explicitly disclose a device wherein the biometrics-based authentication module is an iris scan authentication module. Foster in analogous art, however, discloses a device wherein the biometrics-based authentication module is an iris scan authentication module. (page 1, paragraph 12; page 2, paragraph 20) Therefore, a person having ordinary skill in the art at the time the invention was made would have been motivated to modify the method disclosed

by Abbott and Kang to with Foster in order to provide a versatile biometric authentication device that is not restricted only to fingerprint.

6. Claims 6, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,748,541 in view of Kang et al. (hereinafter Kang) United States Publication Number 2001/0052541 and further in view of Price-Francis U.S. Patent 5,815,252.

As per claims 6, 16 and 21:

The combination of Abbott and Kang teaches all the subject matter as discussed above. Both references do not explicitly disclose a microprocessor is configured to provide a bypass mechanism for authentication upon a determination of authentication failure by the biometrics-based authentication module. Price-Francis in analogous art, however, discloses a method to include a microprocessor that is configured to provide a bypass mechanism for authentication upon a determination of authentication failure by the biometrics-based authentication module. (col. 7, lines 37-47) Therefore, a person having ordinary skill in the art at the time the invention was made would have been motivated to modify the method disclosed by Abbott and Kang to with Price-Francis in order to provide increased accuracy by verifying the identity of a person while concomitantly reducing the probability of false rejection for the authorized user.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,748,541 in view of Kang et al. (hereinafter Kang) and in view of Polansky United States Publication Number 2001/0045458.

As per claim 9:

The combination of Abbott and Kang teaches all the subject matter as discussed above. Both references do not explicitly disclose the restricted resource is a real estate premises that imposes access restrictions. Polansky in analogous art, however, teaches the restricted resource is a real estate premises that imposes access restrictions. (page 2, paragraph 25) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Abbott and Kang with Polansky in order to provide an open, stand-alone system that protects the real estate premises by enforcing proper biometric authentication.

As per claim 10:

The combination of Abbott and Kang teaches all the subject matter as discussed above. Both references do not explicitly the restricted resource is an operable machinery, the safe operation of which requires training. Polansky in analogous art, however, teaches the restricted resource is an operable machinery, the safe operation of which requires training. (page 2, paragraph 25) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Abbott and Kang with Polansky in order to provide an open, stand-alone system which protects the machinery by enforcing proper biometric authentication.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al. (hereinafter Abbott) United States Letters Patent No. 6,748,541 in view of Kang et al. (hereinafter Kang) United States Publication Number 2001/0052541 and further in view of Willins et al. (hereinafter Willins) U.S. Patent 6,990,587.

As per claim 19:

The combination of Abbott and Kang teaches all the subject matter as discussed above. Both references do not explicitly disclose the registered biometrics marker is stored in an encrypted format. Willins in analogous art, however, discloses a biometrics marker is stored in an encrypted format. (col. 5, lines 33-67) Therefore, a person having ordinary skill in the art at the time the invention was made would have been motivated to modify the method disclosed by Abbott and Kang to with Willins in order to provide increased security by protecting the biometric data being access by unauthorized person.

Response to Arguments

9. Applicant's arguments filed on September 25, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER